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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN FRANCISCO DIVISION
11

12 KATHERINE WILLIAMS,

13 Plaintiff,

14 v.

15 JOHN E. POTTER, POSTMASTER
16 GENERAL

17 Defendant.

C 08-0026 WHA

E-FILING CASE

**JOINT CASE MANAGEMENT
STATEMENT AND [PROPOSED] CASE
MANAGEMENT ORDER**

Date: April 10, 2008

Time: 11:00 a.m.

Courtroom: 9, 19th Floor

19 Pursuant to Rule 26 (a) of the Federal Rules of Civil Procedure and the Order Setting
20 Initial Case Management Conference, dated March 20, 2008, the parties to the above-entitled
21 action jointly submit this Case Management Statement and Proposed Order and request the
22 Court to adopt it as its Case Management Order in this case.

23 **DESCRIPTION OF THE CASE**

24 **1. A brief description of the events underlying the action:**

25 Plaintiff was hired by the U.S. Postal Service in February of 2006. Plaintiff started
26 working as a rural carrier for the Fairfield area beginning March 17, 2006.

27 Plaintiff alleges that on March 18, 2006, coworker Larry Headington asked her if he
28 could tell her a dirty joke. On the same day, Headington, put a yellow post-it note on plaintiff's

1 back and caused another coworker to laugh. On the same day, Mr. Headington asked plaintiff
2 whether she wanted to join him and other co-workers for a drink at a karaoke bar. Plaintiff
3 alleges that after plaintiff refused and identified herself as a Christian, he shot her with four
4 rubber bands.

5 Plaintiff also alleges her coworkers, Mike Catabay and Larry Headington, frequently
6 used objectionable language (including the "F word").

7 In addition, plaintiff claims she was fraudulently fired. Plaintiff alleges as follows: The
8 doctor took me off work she didn't tell me not to work I was fired under doctor care
9 fraudulently after I reported harassment and hostile working conditions.

10 Plaintiff claims that while she was working, she was subjected to harassment. Among
11 the acts of harassment plaintiff alleges occurred are as follows:

- 12 a. Plaintiff did not receive assistance "casing" her route until she got on the street.
13 This made her job harder. Plaintiff also had to make her own trays and her co-
14 worker, Yolanda Mamsang hid trays for Route 19 from plaintiff. Plaintiff
15 alleges Mamasang hid trays from plaintiff, who is Black, but let Asian carriers
16 use the trays.
- 17 b. On March 28, 2006, another coworker, Margie, bumped plaintiff on her right
18 side causing plaintiff to stumble backwards. Also, Darcie shoved plaintiff's
19 hand into the cases. Plaintiff adds as follows: On March 28, 2006 Margie is a
20 supervisor came into my casing hurriedly and unannounced bumped into my hip
21 causing me to stumble backwards almost falling to the ground I had to catch
22 myself to keep from hitting the ground. I felt pain in my right knee instantly, on
23 the same day Darcie a supervisor came into my casing took my right arm and
24 shoved my hand into the metal casing with an advo in it causing injury to my
25 right middle finger and chipping the stone in my mother's ring that I wore on the
26 right hand ring finger.
- 27 c. Darcie made plaintiff's job harder by giving her more work to do. Darcie
28 followed plaintiff on numerous observations. When Darcie spoke, she often

1 was belittling. Plaintiff further states as follows: On June 8, 2006 Larry passed
2 my work station after Rhonda Esgana made a statement to me not to pay any
3 attention to Larry bumped his big orange hamper into mines aggressively and in
4 a very hostile way. I was standing behind my hamper and his action which was
5 unpredictable and very frightening startled me caused me to jump for fear of
6 being knocked down his hamper hit my hamper. This is the second time my
7 knee was injured at work by a postal worker. When I came in from delivering
8 my route I informed VR that I was being harassed. She told me not to take it and
9 tell Darcie who had already gone for the day I called her June 9, 2006 by phone.

- 10 d. When plaintiff called Darcie to complain about her treatment, Darcie told
11 plaintiff to stop calling on days that plaintiff was not working. Plaintiff adds as
12 follows: I reported to Darcie on June 9, 2006 in the form of a letter and spoke
13 to Rebecca on June 13, 2006 and received a Termination Notice certified mail
14 dated June 15, 2006 received letter June 20, 2006 after I complained
15 of harassment of co-workers and hostile working conditions including assaults,
16 this was done to cover up the real truth by not acknowledging my injuries.
- 17 e. Larry Headington bumped his hamper into plaintiff's and almost knocked her
18 down. When plaintiff complained, the Postal Service fraudulently fired her.
- 19 f. Plaintiff's co-workers tampered with her time card. Specifically, they "whited
20 out" thirty minutes of time that should have appeared on her time card.
- 21 g. Plaintiff claims that after she completed worker compensation forms, Darcie did
22 not turn them in.
- 23 h. Plaintiff alleges Darcie did not forward to animal control a complaint that
24 plaintiff made about being attacked by a dog.
- 25 i. Plaintiff adds as follows: Darcie turned into investigators drivers observation
26 on the carriers who were employed for a 6 mos. to a year but not any of the
27 drivers who started when I did and followed me 2x's singling me out. I was
28 never told of the proper forms that needed to be filled out for worker's comp.

1 When I did get forms Darcie never turned them in I had to resubmit them
2 directly to that dept. Darcie and Yolanda turned in 3849 on address 4444
3 Mountain Meadow Dr. there is no such address.

4 j. Plaintiff adds as follows: The draft must include and I intend to show that I was
5 fraudulently fired in retaliation to my reporting the harassment by management
6 to cover up the truth, the way you are preparing it it is to mutual. Please include
7 statements below. I intend to show that I was singled out and harassed by not
8 only the supervisors, management never came to location to check on up. I will
9 produce witnesses to confirm that they were wronged as well. I was singled out
10 receiving different treatment i.e. giving more mail to case and deliver by Darcie
11 on a regular bases.(harassed/discriminated) I will intend to prove that Darcie
12 and Yolanda tampered with me time cards to mislead and deceive.(fraud) I will
13 show that Darcie has repeatedly lied throughout this investigation.

14 (misrepresenting truth fraud)

15 I need you to change your dates to a more logical/reasonable deadline not to
16 exceed July 08 09 in not exceptable.

17 I will prove that I never received help in my route until I was on the street
18 (discrimination/harassment/singled out)

19 Darcie chipped my mother's ring when she shoved my hand into the metal
20 casing. (assault abuse of authority)

21 I will produce a document to show I did report harassment to Darcie about Larry
22 and he was also going to Rhonda Esgana.

23 I was casing and delivering route by myself none of the others who started when
24 I did weren't doing that when I was fired even as of June 06.

25 I intend to show repeated lies and changing their stories by Darcie and Larry.

26 I stated I want 10 witnesses subpoenaed not 5.
27
28

1 I changed my mind you can only have 10 instead of 25.

2 I will produce reports to show that Darcie tried to conceal truth by fraud on
3 correction/reprimand towards me.

4 My job was made harder and overburdened by Darcie. (harassment/singling me
5 out to receive different treatment discrimination)

6 If I can prove discrimination by race I can by religion I definitely will prove
7 harassment, singling me out, assaults, retaliation and fraud. Please include this
8 in draft. We are trying to get to the truth right.

9 I'm glad you will use the witnesses that you are using that was I can use others
10 who are more credible.

11
12 **2. The principal factual issues which the parties dispute:**

- 13 a. Whether Plaintiff was subjected to a hostile work environment,
14 including ongoing harassment;
- 15 b. Whether Plaintiff was assaulted;
- 16 c. Whether Plaintiff was discriminated against;
- 17 d. Whether Defendant Potter used fraud in order to fire plaintiff;
- 18 e. Whether Plaintiff was subjected to adverse employment actions in
19 retaliation for her protected activity;
- 20 f. Whether Defendant had a legitimate, non-discriminatory reason for each
21 of the challenged employment decisions;
- 22 g. Whether the alleged discriminatory acts were sufficiently "severe and
23 pervasive" to establish a claim for hostile work environment;
- 24 h. Whether plaintiff can establish that each of Defendant's reasons for the
25 alleged discriminatory and retaliatory acts are pretext for unlawful
26 discrimination;
- 27 i. Whether plaintiff was constructively discharged from her position.
- 28

1 **3. The principal legal issues which the parties dispute:**

- 2 a. Whether Plaintiff Siam can establish a *prima facie* case of race, religion,
3 sex discrimination and/or retaliation and if so, whether defendant's
4 actions were taken for legitimate, non-discriminatory reasons;
5 b. Whether the US Postal Service's asserted justification for it's treatment
6 of Plaintiff was a pretext for discrimination based on her race, national
7 origin, sex and/or in retaliation for protected activity;
8 c. What is the appropriate remedy.

9 **4. The other factual issues which remain unresolved for the reason stated below and**
10 **how the parties propose to resolve those issues:**

11 None known. Venue and subject matter jurisdiction are not disputed, except to the
12 extent that the defendant contends that the failure to exhaust raises jurisdictional issues.

13 **5. The parties which have not been served and the reasons:**

14 None.

15 **6. The additional parties which the below-specified parties intend to join and the**
16 **intended time frame for such joinder:**

17 Plaintiff may add additional persons who have been treated improperly by defendant.

18 **ALTERNATIVE DISPUTE RESOLUTION**

19 **7. The following parties consent to assignment of this case to a United States**
20 **Magistrate Judge for jury trial:**

21 The parties agree that no ADR is appropriate because it is not likely defendant will
22 willingly resolve this lawsuit on terms that are acceptable to plaintiff.

23 **8. ADR Assignment:**

24 Defendant has filed an administrative motion requesting relief from the ADR
25 requirements of this Court.

26 **9. Other information regarding ADR process or deadline.**

27 None.
28

DISCLOSURES

10. Plaintiff has made her initial disclosures and intends to supplement them April 10, 2008. Defendant timely submitted initial disclosures on April 2, 2008.

DISCOVERY

11. **The parties agree to the following discovery plan:**

A. Discovery Limitations

1. Experts

The parties propose a limit of five (5) experts per side absent a further court order. Defendant will seek to perform an Independent Medical Examination in the event that plaintiff does not stipulate to one.

2. Depositions

The parties propose a limit of ten (10) depositions per side, absent a further court order.

3. Interrogatories, Requests for Production of Documents, and Requests for Admissions.

Plaintiff proposes a limit of 10 interrogatories, 10 document requests and 10 requests for admission per side. Defendant proposes a limit of 25 interrogatories, 25 document requests and 25 requests for admission per side, absent a further court order.

B. Deadline for Completing Fact Discovery

Defendant requests a discovery cut-off on November 2008. Plaintiff requests a discovery cut-off of May 1, 2008.

C. Expert Witness Disclosure

Defendant requests that expert witness reports be due January 30, 2009. Plaintiff requests that expert reports be due June 30, 2008.

D. Deadline for Expert Witness Discovery

Defendant requests February 28, 2009. Plaintiff requests July 30, 2008.

E. Deadline for Dispositive Motions

Plaintiff requests a dispositive motions due date of August 30, 2008. Defendant requests a dispositive motions due date of March 20, 2009.

TRIAL SCHEDULE

12. **The parties request a trial date as follows:**

Defendant requests a trial date in June 2009.

13. **The parties expect that the trial will last for the following number of days:**

Defendant estimates that trial, if necessary, would last two days.

JOSEPH P. RUSSONIELLO
United States Attorney

Katherine Williams¹
PLAINTIFF

/s
ABRAHAM A. SIMMONS
Assistant U.S. Attorney
Attorney for Defendant

CASE MANAGEMENT ORDER

The Case Management Statement and Proposed Order is hereby adopted by the Court as the Case Management Order for the case and the parties are ordered to comply with this Order. In addition the Court orders:

Dated: _____

WILLIAM H. ALSUP
DISTRICT COURT JUDGE

¹ Plaintiff has not had an opportunity to review the final version of this document. Defendant has attempted to add each of the changes in plaintiff's most recent email.